IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 29348 of 2007(R)

PETITIONER:

S.FRANCIS,
RAJESH BHAVAN, KANAVOORKONAM, MANNAMKONAM P.O.,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.

2. THE SPECIAL SALE OFFICER, NEYYATTINKARA PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO.T.417, NEYYATTINKARA.

3. NEYYATTINKARA PRIMARY CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.NO. T 417, NEYYATTINKARA, REPRESENTED BY ITS SECRETARY.

R1 BY GOVT. PLEADER SMT. ANU SIVARAMAN.
R2 & R3 BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.29348 of 2007

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Dated this the 10th day of October, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Recovery steps were initiated. Petitioner had approached this court earlier and by Ext.P8 judgment this court directed that if the petitioner files a representation seeking the benefit of the Scheme of the Bank, a decision will be taken. Apparently such a decision was taken and communicated to the petitioner, as per which, he was called upon to pay Rs.2,79,587/-. Prayer is to quash Ext.P3 and to permit the petitioner to pay instalments as requested in Ext.P11.

2. Counter affidavit is filed producing Ext.R3(a), a statement showing the balance amount to be paid as on 8.10.2007. The amount shown is Rs.2,80,461/-. It is also inter alia stated in the counter affidavit that the Bank has reduced the rates of interest at 12%. In such circumstances, I am not inclined to think that I need to interfere with the amount as such, though learned counsel for the petitioner submits that the amount shown in Ext.P10 is actually not due from the

petitioner. However, I am inclined to grant the petitioner the benefit of payment of the amount in instalments.

Having regard to all facts, the petitioner is permitted to pay off the amount shown in Ext.R3(a) with due interest in eight equal monthly instalments. The exact amount of instalments to be paid on the basis of this judgment shall be communicated to the petitioner within two weeks from today. The petitioner has to pay the first instalment on or before 15.11.2007. Further instalments are to be paid on or before the 15th of the succeeding months. If any instalment is not paid, petitioner will lose the benefit of this judgment and it will be open to the respondents to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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